

Due to the COVID-19 pandemic, the January 4 Mayor and Commission session was remote. The meeting could be viewed live at [www.accgov.com/videos](http://www.accgov.com/videos), on YouTube at [www.youtube.com/accgov](http://www.youtube.com/accgov), on Facebook at [www.facebook.com/accgov](http://www.facebook.com/accgov), and on ACTV Cable Channel 180 or the live ACTV stream at [www.accgov.com/actvlive](http://www.accgov.com/actvlive)

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, January 4, 2022  
6:00 p.m.  
City Hall/WebEx

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, Thornton, and Hamby. No one was absent.

A motion was made by Commissioner Edwards, seconded by Commissioner Thornton, to approve Minutes of meetings of Tuesday, December 7, and Tuesday, December 14, 2021. The motion passed by unanimous vote.

#### Written communications

There were none.

#### Public hearing on TSPLOST Candidate projects being recommended by the TSPLOST Advisory Committee

The following public input was received.

1. Allen Jones – supported Timothy Road improvements
2. Mara Zuniga – why include Winterville, consider neighborhoods

#### Old business - Consent

##### Public input

The following citizen input was received.

1. Susan Monteverde – UGA should pay for firetruck

Items under this section were discussed at prior public meetings and were presented for consideration as a single item. Only one vote was taken.

A motion was made by Commissioner Wright, seconded by Commissioner Link, to consent to a motion on the following nine items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (22-01-01) which was presented by title only extending the pilot program for alcohol serving opportunities with special events as recommended by the Legislative Review Committee report dated December 2, 2021.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **SPECIAL EVENTS**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Findings. On August 10, 2021, the Mayor and Commission revised the original special events ordinance to establish an expanded pilot program until January 31, 2022, in order to explore

opportunities to provide greater flexibility to special event organizers and public safety staff and identify ways to better meet the needs of special events organizers and attendees, while addressing areas of concern identified by Athens-Clarke County staff, particularly as it related to public safety. Upon initial review of the pilot program, the Mayor and Commission has determined that additional time is necessary to more fully evaluate the effectiveness of the pilot program, particularly in light of event limitations and/or cancellations caused by the COVID-19 pandemic during the original pilot program period. As a result, the Mayor and Commission intends to extend the pilot program for an additional year until January 31, 2023, for further evaluation.

SECTION 2: Section 6-5-12 entitled “Sale of beer and/or wine” of the Code of Athens-Clarke County, Georgia, is hereby modified by deleting subsection (a) in its entirety and the following new subsection (a) is inserted in lieu thereof:

**“Sec . 6-5-12. – Sale of beer and/or wine.**

(a) *Purpose.* The purpose of this ordinance is to establish a pilot program to implement changes to the Special Events ordinance in order to provide greater flexibility, while prioritizing public health and safety concerns. This ordinance shall remain in full force and effect until January 31, 2023, unless it is extended or modified prior to said date by the Mayor and Commission.

SECTION 3. Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective immediately following the Mayor’s approval and will continue to be in effect until 11:59 p.m. on Tuesday, January 31, 2023, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 5. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener’s errors.

2. APPROVE: Establish the 2022 Election Qualifying Fees for the May 24, 2022 General Primary as follows as per agenda report dated November 24, 2021; and authorize appropriate staff to publish the qualifying fees.

Solicitor-General	\$3,824.19
Mayor	\$1,350.00
Commission (1, 3, 5, 7 and 9)	\$ 450.00
Board of Education (1, 3, 5, 7 and 9)	\$ 108.00

3. APPROVE: a) The proposed project concept for Sub-Project #3, Rescue Truck Equipment for SPLOST 2020 Project 05, Fire Department Equipment Project, as generally described in Attachment #1 of agenda report dated November 23, 2021;

b) Award contract to purchase a rescue truck, equipped with idle mitigation equipment and associated equipment to FireLine, Inc. for \$811,764 (Attachment #2).

c) Declare rescue trucks 4203 and 4202 as surplus and authorize their disposal consistent with Unified Government of Athens-Clarke County (ACCGov) policies; and,

d) Authorize Mayor and appropriate staff to execute all related documents.

4. APPROVE: Professional services supplement with Kimley-Horn for additional services as part of the Trail Creek Crossing (TSPLOST 2018 Project 06 Sub-Project #4) in the not-to-exceed amount of \$98,624 as per agenda report dated November 23, 2021; and authorize the Mayor and appropriate staff to execute all related documents.

5. APPROVE: a) Appropriation in the amount of \$391,060 for the Carlton Terrace Joint Use Stub Project as per agenda report dated November 22, 2021;

b) Award a unit price construction work order to the low bidder, RDJE, Inc., in the amount of \$372,438;

- c) Authorize staff to approve project change orders that do not collectively exceed the overall appropriation of \$391,060; and
  - d) Authorize the Mayor and appropriate staff to execute all related contract documents.
6. APPROVE: SPLOST 2020 Project 03 Classic Center Arena
- a) Revise total project budget, Attachment #1 of agenda report dated November 23, 2021, from \$116,705,055 (estimated at schematic design stage) to \$135,655,498;
  - b) Authorize staff to negotiate a Guaranteed Maximum Price (GMP) agreement for construction of the Classic Center Arena with JE Dunn Construction Company for a not-to exceed amount of \$107,000,000;
  - c) Approve an increase of \$1,182,449 to the previously not to exceed amount for Jacobs Project Management Co. for Project Management Services; and
  - d) Authorize the Mayor and appropriate staff to finalize contract negotiations and execute all related documents.
7. APPROVE: Memorial Park Sewer Replacement and Dog Park Improvements
- a) Authorize an appropriation in the amount of \$1,896,710 for the Memorial Park Sewer Replacement Project and Dog Park Improvements as per agenda report dated November 22, 2021;
  - b) Award a unit price construction work order to the low bidder, RDJE, Inc., in the amount of \$1,806,390;
  - c) Authorize staff to approve project change orders that do not collectively exceed the overall appropriation of \$1,896,710; and
  - d) Authorize the Mayor and appropriate staff to execute all related contract documents.
8. APPROVE: Project concept and memorandum of understanding (MOU) for the expansion of the Athens Neighborhood Health Center as per agenda report revised December 20, 2021.
- a) Approve a project concept for the expansion of the Athens Neighborhood Health Center at 402 McKinley Drive as per Attachment #1 of agenda report revised December 20, 2021;
  - b) Approve a non-binding Memorandum of Understanding between the Unified Government of Athens-Clarke County and the Athens Neighborhood Health Center for the expansion of the facility at 402 McKinley Drive (Attachment #2);
  - c) Authorize a contract amendment between the Unified Government of Athens-Clarke County and Jacobs Project Management Company to add staff augmentation services to the contract used for SPLOST 2020 Project Management (Attachment #3); and,
  - d) Authorize the Mayor and appropriate staff to execute all necessary documents.
9. APPROVE: Appointments to the Oconee Rivers Greenway Commission
- |                               |                                    |
|-------------------------------|------------------------------------|
| Susie Haggard – reappointment | five-year term expiring 12-31-2026 |
| Dale Van Cantfort             | five-year term expiring 12-31-2026 |

Old and new business – Discussion

Public input

The following public input was received.

1. Bryne Anderson – supported Town & Gown \$1 annual lease
2. Allen Rowell – supported Town & Gown \$1 annual lease
3. Amy Miller – supported Town & Gown \$1 annual lease
4. Narke Norton – supported Town & Town \$1 annual lease
5. Grant Whitworth – supported Spring Valley rezoning

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to approve request of Gerry Whitworth/Whitworth Land Corp. Owner: Christian Eunice Mills Trust for rezoning from AR (Agricultural Residential) to E-I (Employment-Industrial) on 289.476 acres known as 1310 Spring Valley Road. Proposed use is light industrial.

A substitute motion was made by Commissioner Davenport, seconded by Commissioner Houle, to deny the request.

The substitute motion failed by roll call vote with Commissioners Davenport, Parker, and Houle voting YES; and Commissioners Link, Wright, Denson, Edwards, Myers, Thornton, and Hamby voting NO. (3 YES; 7 NO)

The original motion passed by roll call vote with Commissioners Parker, Link, Wright, Denson, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioners Davenport and Houle voting NO. (8 YES; 2 NO) The following ordinance (22-01-02) which was presented by title only was declared adopted.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO REZONING APPROXIMATELY 289.476 ACRES LOCATED AT 1310 SPRING VALLEY ROAD FROM AR (AGRICULTURAL RESIDENTIAL) TO E-I\* (EMPLOYMENT INDUSTRIAL WITH CONDITION); AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Sections 9-3-3 and 9-3-6 thereof, is hereby amended by changing the zoning of 289.476 acres located at 1310 Spring Valley Road, Athens, Georgia, from AR (Agricultural Residential) to E-I\* (Employment-Industrial with Condition) as shown on Attachment A hereto.

The 289.476 acres parcel is more particularly described as "Tract I 289.475 acres" in that certain document entitled "R.D. Christian," dated March 10, 1989, prepared by Ray N. Woods, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The affected property is also known as Tax Parcel No. 224 006C, p/o 222 001 on the Athens-Clarke County tax maps being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The following conditions of zoning are associated with this ordinance:

- (1) A public sanitary sewer line extension by the property owner shall be required to serve the development of the subject property.
- (2) beginning at a point two-hundred (200) feet north of the intersection of Taylor Lane and Spring Valley Road and continuing in a southwesterly direction along the entirety of the subject property's frontage, there shall remain a fifty (50) foot undisturbed buffer. The only encroachments into this undisturbed buffer shall be for public street or driveway access limited to direct alignment with Taylor Lane or Gretchen Lane and/or utility access.
- (3) The development of Warehouse or Distribution Facilities exceeding two-hundred thousand (200,000) square feet must also provide a second point of access to either Athena Drive, Voyles Road or Olympic Drive if access is also provided to Spring Valley Road.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to adopt the following ordinance (#22-01-03) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION ON APPROXIMATELY 0.354 ACRE OF LAND LOCATED AT 2855 RIVERBEND ROAD & 2865 RIVERBEND ROAD FROM "TRADITIONAL NEIGHBORHOOD" TO "MIXED DENSITY RESIDENTIAL"; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia, hereby ordains as follows:

SECTION 1. The Official Land Use Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A) (2) thereof, is hereby amended by changing the future land use designation on approximately 0.354 acre of land located at 2855 Riverbend Road and 2865 Riverbed Road, County tax parcel number 181C4 A001A and 181C4 A001B, from "Traditional Neighborhood" to "Mixed Density Residential," as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

The date of this amendment to the Official Land Use Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Land Use Map and Exhibit A hereto are available for inspection in said Clerk's Office, 301 College Avenue, Athens, Georgia.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to adopt the following ordinance (#22-01-04) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO REZONING APPROXIMATELY 0.354 ACRE LOCATED AT 2855 RIVERBEND ROAD & 2865 RIVERBEND ROAD FROM RM-1 (MIXED DENSITY RESIDENTIAL) TO RM-2 (MIXED DENSITY RESIDENTIAL); AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows.

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Sections 9-3-3 and 9-3-6 thereof, is hereby amended by changing the zoning of 0.354 acre located at 2855 Riverbend Road and 2865 Riverbend Road, Athens, Georgia, from RM-1 (Mixed Density Residential) to RM-2 (Mixed Density Residential) as shown on Attachment A hereto.

The 0.354 acre parcel is more particularly described in that certain document entitled "Project 12-092s Minor Subdivision Plat," dated August 16, 2012, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The affected property is also known as Tax Parcel No. 181C4 A001A and 181C4 A001B on the Athens-Clarke County tax maps being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission, 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Parker, seconded by Commissioner Thornton to HOLD until Tuesday, February 1, 2022 326 Arch Street - Exception to Policy/Procedure WS-011: Water and/or Sanitary Sewer Services. The motion passed by unanimous vote.

A motion was made by Commissioner Parker, seconded by Commissioner Thornton, to HOLD until Tuesday, February 1, 2022 182 First Street - Exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services. The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Thornton, to HOLD until Tuesday, February 1, 2022 5100 Atlanta Highway - Private pump station and force main. The motion passed by unanimous vote.

A motion was made by Commissioner Denson, seconded by Commissioner Parker, with reference to community benefit agreements submitted by agencies wishing to qualify for rent reduction for use of ACCGov facilities.

1. Accept the Community Benefit Agreements (CBA) from all submitting tenants
2. Set the Annual Leases for FY23 to be \$1 for all tenants that had an accepted CBA
3. Require all tenants with an accepted CBA to have the leadership of their organization complete Diversity, Equity, and Inclusion training within the FY23 fiscal year
4. ACCGOV will meet with current nonprofit leasees within 6 months to discuss creating an equitable rental agreement for FY24 within the Unified Leasing Policy for ACCGOV facilities.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to amend item #3 to read as follows. "Require all tenants to have the leadership of their organization complete Diversity, Equity, and Inclusion training, as advised and approved by the ACC Inclusion Office, within the FY23 fiscal year.

The amendment was accepted and the motion as amended passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Myers, with reference to SPLOST 2020 Project 03 Classic Center Arena – Construction material testing and special inspections services: approve the selection of and contract award to Geo-Hydro Engineers to provide construction materials testing and special services at an amount not-to-exceed amount of \$600,000; and authorize the Mayor and appropriate staff to finalize contract negotiations and execute all related documents as per agenda report revised December 28, 2021. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, with reference to SPLOST 2020 - Project 22 Broadband Connectivity Enhancement – Telecommunication consulting/design firm services award as per agenda report revised December 22, 2021.

- a) Designate Foresite Group, LLC, as the highest ranking firm, and award a Telecommunications Consulting/Design Professional Services contract to Foresite Group, LLC for SPLOST 2020, Project 22 - Broadband Connectivity Enhancement;
- b) Authorize staff negotiate a Telecommunications Consulting/Design Professional Services contract with Foresite Group, LLC for a not-to-exceed contract value amount of \$400,000; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Thornton, to HOLD until Tuesday, January 11, 2022 request for American Rescue Plan Act funds through the State of Georgia Administrative Office of the Courts (AOC). The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Parker, to

- a) Approve the Intergovernmental Agreement that authorizes the Joint Development Authority of the Unified Government of Athens-Clarke County, Georgia and the City of Winterville (i) to administer on behalf of ACCGov the CDBG-CV funding, (ii) to enter into agreement(s) with the Northeast Georgia Community Food Bank, Inc. related to the use of said funds for a new community food bank facility as per Attachment #1 of agenda report revised January 4, 2022;
- b) Approve the amendment to the Memorandum of Understanding with Northeast Georgia Regional Commission to assist in the administration of federal funding (Attachment #2); and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Denson, to adopt the following ordinance (#22-01-05) which was presented by title only. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, and Thornton voting YES; and Commissioner Hamby voting NO. (9 YES; 1 NO)

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO COMMUNITY TREE MANAGEMENT; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 8-7-19 of the Code Athens-Clarke County, Georgia, entitled "*Technical Standards*," is hereby adding the following paragraph under subsection (f):

(19) Forest regeneration shall be located within any available common areas, if possible, before permitted on individual building lots.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to adopt the following ordinance (#22-01-06) which was presented by title only. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Edwards, Myers and Thornton voting YES; and Commissioners Houle and Hamby voting NO. (8 YES; 2 NO)

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SITE DESIGN AND USE STANDARDS; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 9-25-4 of the Code Athens-Clarke County, Georgia, entitled "*Plans Required*," is hereby adding the following paragraph:

24. For development of residential lots under .025 acre and associated with a preliminary plat, a grading plan showing building pad locations and final grades indicating drainage patterns on each lot.

SECTION 2. Section 9-25-8 of the Code Athens-Clarke County, Georgia, entitled "*Site design standards*," is hereby amended by adding the following paragraph:

5. For all single-family subdivision developments in RS zones, a buffer of at least 20 feet in depth, shall be required on the perimeter edge of the development site adjacent to adjoining developed parcels, not including street rights-of-way. The buffer is to remain undisturbed for the duration of construction activity, except for those areas with planned street, water, sanitary sewer and stormwater management improvements. The buffer may be removed after recording of the final plat.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to adopt the following ordinance (#22-01-07) which was presented by title only. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Edwards, Myers and Thornton voting YES; and Commissioners Houle and Hamby voting NO. (8 YES; 2 NO)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **SUBDIVISION REGULATIONS**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 9-26-2 of the Code Athens-Clarke County, Georgia, entitled "*Procedure for Approval*," is hereby amended by deleting paragraph A. 6.d.(2) and replacing it so that said paragraph now reads as follows:

(2) Following preliminary plat approval and issuance of a site review permit, and prior to final plat approval, land disturbing activity shall be limited by permit to a maximum amount of 25 acres total disturbed acreage and subject to the landscaping requirements in Sec. 9-25-8(A)(5). In order to begin construction of a subsequent phase of development, one of the following shall have occurred:

- a. Either 75% of the building lots in the developed phase shall have received Certificates of Occupancy, or
- b. The final plat for the current phase shall have been recorded, and a stormwater management plan for all proposed phases shall have been approved.

SECTION 2. Section 9-26-2 of the Code Athens-Clarke County, Georgia, entitled "*Procedure for Approval*," is hereby amended so that it now reads as follows:

(3) With the exception of sidewalks, runoff reduction practices, and the top coat of asphalt on street rights-of-way, final plat approval shall be granted only after all required improvements have been installed or constructed and accepted by Athens-Clarke County. The final plat may be approved prior to construction of sidewalks, the top coat of asphalt on street rights-of-way, and completion of any stormwater management facilities associated with current or further phases of the development, provided that a financial guarantee for such improvements has been provided as required in this chapter. No permit for building construction for an individual lot shall be issued until the final plat has been approved.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

New business – Consider under suspension of Rules

A motion was made was made by Commissioner Edwards, seconded by Commissioner Link, to suspend Rules of Commission for consideration of new business items. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to adopt the following ordinance (#22-01-08) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE FOR THE TWENTY-FIFTH DECLARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.**

**WHEREAS**, like much of the world the United States, the State of Georgia, and the Unified Government of Athens-Clarke County, Georgia, ("ACCGov") are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated "COVID-19"); and

**WHEREAS**, COVID-19 is officially a global pandemic according to the WHO; and

**WHEREAS**, COVID-19 can spread from person to person, and can result in no symptoms, minor symptoms, or serious illness causing permanent organ damage and death; and

**WHEREAS**, individuals age 65 or over or living with certain medical conditions identified by the CDC (members of Vulnerable Populations) and members of other populations identified by the CDC ("Other Populations at Risk") are at risk of severe and lasting harm to health or death from COVID-19; and

**WHEREAS**, COVID-19 also has been reported to cause severe and permanent damage to some children; and

**WHEREAS**, the CDC has noted that COVID-19 spreads very easily and sustainably when an infected person (who may not exhibit symptoms at all, or only minor symptoms) talks, sneezes, or coughs in close proximity with others (within six feet); and

**WHEREAS**, on March 16, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia adopted an Ordinance for the Declaration of Local State of Emergency related to COVID-19;

**WHEREAS**, on March 19, 2020, pursuant to their authority under the Athens-Clarke County Emergency Management Ordinance, the Athens-Clarke County Mayor and Commission adopted a Second Declaration of Local Emergency activating certain emergency powers in order to allow Athens-Clarke County to quickly respond to the COVID-19 pandemic and renewed that declaration on April 21, 2020, June 2, 2020, July 7, 2020, July 30, 2020, August 18, 2020, September 15, 2020, October 6, 2020, November 4, 2020, December 1, 2020, January 6, 2021, February 2, 2021, March 2, 2021, April 6, 2021, May 4, 2021, June 1, 2021, June 15, 2021, July 20, 2021, August 3, 2021, September 7, 2021, October 5, 2021, November 2, 2021, and again on December 7, 2021; and

**WHEREAS**, the COVID-19 Delta and Omicron variants have created a new surge in cases in Georgia and Athens-Clarke County; and

**WHEREAS**, the CDC indicates that a person's risk of exposure to COVID-19 infection is directly related to the risk of exposure to infectious persons, which is largely determined by the extent of COVID-19 circulation in the surrounding community; and



**WHEREAS**, CDC recommends using new COVID-19 cases per 100,000 persons in the last seven (7) days as one of its metrics for assessing the level of community transmission; and

**WHEREAS**, as of Thursday, December 30, 2021, the CDC reports that the prevalence of confirmed cases in Athens-Clarke County of COVID-19 is 574.30 cases per 100,000 persons in the past seven (7) days;

**WHEREAS**, based upon this metric, Athens-Clarke County is currently experiencing a “high” level of community transmission”—i.e. greater than 100 new cases per 100,000 persons in the past seven (7) days—(“high” being the highest level possible); and

**WHEREAS**, according to the Georgia Department of Public Health COVID-19 update on Wednesday, December 29, 2021, (the “GDPH Update”) Georgia now has 1,384,606 confirmed cases of COVID-19, including 18,831 confirmed cases in Athens-Clarke County; and

**WHEREAS**, according to the GDPH Update, 26,358 individuals in Georgia have died and 94,250 have been hospitalized after contracting COVID-19; and

**WHEREAS**, Georgia is now experiencing a significant surge in COVID-19 cases due primarily to the Omicron variant, having recorded its highest single-day total of new COVID-19 cases since the pandemic began on December 28, 2021; and

**WHEREAS**, the Center for Disease Control (“CDC”) has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

**WHEREAS**, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

**WHEREAS**, the CDC also advises that the use of masks or cloth face coverings will slow the spread of COVID-19; and

**WHEREAS**, on April 2, 2020, Governor Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor’s Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors; and

**WHEREAS**, subsequently, Governor Kemp issued a series of Executive Orders which amended and revised the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors, the last such Executive Order expiring on July 1, 2021; and

**WHEREAS**, nevertheless, because of the continuing negative impacts of the COVID-19 pandemic on the State’s economy, supply chain, and healthcare infrastructure, on June 30, 2021, Governor Kemp issued an Executive Order declaring there to be a State of Emergency in the State of Georgia and ordering that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts; and

**WHEREAS**, on February 24, 2021, Joseph Biden, President of the United States, issued notice stating that the national emergency declared on March 13, 2020, concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2021; and

**WHEREAS**, on July 19, 2021, Xavier Becerra, Secretary of the United States Department of Health and Human Services, renewed his determination (and that of former Secretary Alex M. Azar II) that a public health emergency exists and has existed since January 27, 2020, such prior renewals having been executed upon April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, April 15, 2021, July 19, 2021, and October 15, 2021; and

**WHEREAS**, pursuant to the authority of O.C.G.A. § 38-3-28, local governments are specifically empowered to enact such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of Articles 1 through 3 of the Emergency Management chapter of the Official Code of Georgia, but such orders, rules, and regulations shall not be inconsistent with any orders, rules, and regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him; and

**WHEREAS**, this emergency order is authorized by O.C.G.A. §§ 38-3-4 and 38-3-28, which authorize the Mayor and Commission to use emergency powers in O.C.G.A. §§ 38-3-1 through 38-3-64; and

**WHEREAS**, pursuant to O.C.G.A. § 38-3-6, during an emergency, O.C.G.A. §§ 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes; and

**WHEREAS**, on July 27, 2021, the CDC issued new guidance pursuant to which it recommends that to maximize protection from the Delta SARS-CoV-2 variant and to prevent possibly spreading it to others, persons, including those who are fully vaccinated, should wear a mask indoors in public if they are in an area of substantial or high transmission; and

**WHEREAS**, the CDC issued guidance (most recently updated on December 20, 2021) continuing to recommend mask wearing in public indoor spaces regardless of vaccination status in areas of substantial or high community transmission to maximize protection from the Omicron SARS-CoV-2 variant; and

**WHEREAS**, requiring the use of masks is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

**WHEREAS**, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

**WHEREAS**, pursuant to Sub-Sections (36) and (39) of Section 8-114 of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the following additional powers:

(17) Health: To prescribe and enforce health and sanitation standards; and

(36) Emergencies: To provide for the determination, proclamation and combatting of emergencies; and

(39) General health, safety, and welfare: To define, regulate and prohibit any act, practice, conduct or use which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the unified government; and

**WHEREAS**, the United States Supreme Court has previously held that “[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members; and

**WHEREAS**, pursuant to this declaration, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue the previous provisions of its Nineteenth Declaration and to additionally provide that persons within the jurisdiction of the Unified Government of Athens-Clarke County, Georgia, shall wear a mask over the nose and mouth indoors in public as described herein; and

**WHEREAS**, the following actions related to outdoor restaurant seating areas, outdoor retail areas, and the indoor mask mandate are necessary and appropriate to balance the public’s interest in being free from undue restrictions with the compelling public interest of providing for the health, safety, and welfare of residents of Athens-Clarke County and the surrounding communities, particularly those individuals who are members of Vulnerable Populations or Other Populations at Risk; and

**WHEREAS**, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, with advice from other subject matter experts, there exist emergency conditions as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities;

**NOW, THEREFORE**, the Commission of Athens-Clarke County, Georgia hereby ordains and declares that a local state of emergency continues to exist within the territorial limits of the Unified Government of Athens-Clarke County, Georgia, and shall continue until the conditions requiring this declaration are abated.

**NOW, THEREFORE**, because of the local state emergency ordained and declared above, the Commission of Athens-Clarke County, Georgia hereby ordains and orders the following:

SECTION 1.  
Outdoor Restaurant Seating Areas

Any provisions of the Alcoholic Beverages Ordinance which prohibit any person from having in his or her possession any alcoholic beverages in any open container be temporarily suspended as it applies to patrons or employees of any restaurant possessing a Class D (retail liquor by the drink), D1 (retail liquor by the drink, low volume restaurant), E (retail beer by drink), or F (retail wine by the drink) license who are transporting, serving, or consuming alcoholic beverages in an approved outdoor seating area within 100 feet of the outer wall of licensed premises or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages in an approved outdoor seating area as described herein.

SECTION 2.  
Outdoor Retail Areas

Any provisions of the Alcoholic Beverages Ordinance which prohibit any person from having in his or her possession any alcoholic beverages in any open container be temporarily suspended as it applies to patrons or employees of any licensee possessing a Class D (retail liquor by the drink), D1 (retail liquor by the drink, low volume restaurant), E (retail beer by drink), or F (retail wine by the drink) license who is participating in the Outdoor Retail Area Program pursuant to policy number MGR-008D entitled "A Policy to Extend the Outdoor Retail Areas Pilot Program for the Remainder of 2020," and who are transporting, serving, or consuming alcoholic beverages in the Outdoor Retail Area as approved by the Athens-Clarke County Central Services Department or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages in said Outdoor Retail Area.

SECTION 3.  
Indoor Mask Mandate

- (a) The provisions of Section 3 of this Ordinance shall only be enforced when the prevalence in Athens-Clarke County of confirmed cases of COVID-19 over the previous seven (7) days is equal to or greater than one hundred (100) cases per one hundred thousand (100,000) people according to the Centers for Disease Control, or when the Georgia Department of Public Health reports a vaccination rate of more than 80% of the Athens-Clarke County population.
- (b) For purposes of this Ordinance, the following terms are hereby defined as follows:
  - (1) *Entity* means any private business, establishment, corporation, non-profit corporation, or organization, including the curtilage thereof.
  - (2) *Facial covering or mask* means a device to cover the nose and mouth of a person and impedes the spread of saliva, respiratory droplets, or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned as advised by the CDC and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.
  - (3) *Polling place* means the room provided in each precinct for voting at a primary or election.
  - (4) *Public place* means any place other than a personal vehicle, residential property, or an entity including the curtilage thereof.
- (c) Except as otherwise provided in this Ordinance all persons in an entity or a public place shall wear a facial covering or mask over the mouth and nose at all times when indoors.
- (d) Facial coverings or masks are not required in the following circumstances:
  - (1) In personal vehicles or upon residential property;
  - (2) When a person is alone in enclosed spaces or only with other household members;
  - (3) When the individual has a bona fide religious objection to wearing a facial covering or mask;
  - (4) While drinking or eating;
  - (5) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual or when such person has a bona fide medical reason for not wearing a facial covering or mask;
  - (6) When wearing a facial covering or mask would prevent the receipt of personal services or performing work in the course of employment;
  - (7) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;
  - (8) Children under the age of ten (10) years;
  - (9) When the individual is having difficulty donning or removing a face mask or face covering without assistance;
  - (10) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask; and
- (e)
  - (1) Every entity subject to this Ordinance which does not consent to enforcement of this Ordinance upon its property shall post a clearly legible sign in one inch Arial font at all public entrances of such entity stating the following: "This location does not consent to enforcement of any local face covering requirement upon this property."
  - (2) If an entity does not post the signage described in subparagraph (1) of this paragraph it shall be conclusively presumed to have consented to enforcement of this Ordinance on its property and failures by individuals to wear facial coverings or masks as required by this ordinance shall be determined to be violations and enforced as contemplated in paragraph (f).
- (f) Violations of this Section 3 may be enforced by a notice of ordinance violation issued by any police officer, code enforcement officer, or other authorized law enforcement official, as provided below:
  - (1) A person who fails to comply with paragraph (c) of Section 3 of this Ordinance shall be first given a warning and an opportunity

to put on a facial covering or mask, leave the entity, or comply with one of the exceptions in paragraph (d) of Section 3.

- (2) If the person violating this Ordinance refuses or fails to comply with this Ordinance after being given a warning pursuant to subparagraph (1) of this paragraph then such person may be subject to a civil penalty of not more than \$25.00 on the first offense and not more than \$50.00 on the second and any subsequent offenses.
- (3) A notice of violation may be served by delivery into the hands of the suspected violator or by other reasonable process for serving notice of ordinance violations used by Athens-Clarke County.
- (4) Violations of this ordinance shall not be enforced against any entity and shall not be taken against any owner, director, officer, or agent of an entity for the failure of their customers to comply with this ordinance.
- (5) Notwithstanding the foregoing, every effort shall be made to bring an individual into voluntary compliance with the terms of this Ordinance prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.
- (g) In all locations where facial coverings or masks are not required to be worn pursuant to this Ordinance, they are strongly encouraged to be worn.

SECTION 4.

The Mayor and Commission adopt and make the findings discussed in the "Whereas" paragraphs the factual findings of the Mayor and Commission.

SECTION 5.

This Ordinance shall become effective at 8:00 a.m. on the next day following the Mayor's approval and will continue to be in effect until 11:59 p.m. on Wednesday, February 2, 2022, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 6.

Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SECTION 7.

The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SECTION 8.

Copies of this Ordinance shall be: (1) promptly posted at Athens-Clarke County City Hall, 301 College Avenue, Athens, Georgia; (2) promptly posted on the www.accgov.com website; and (3) provided to any member of the public requesting a copy of this Order.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to approve the first amendment by and between The Northeast Health District ("NEHD"), The Unified Government of Athens-Clarke County, Georgia (ACCGov), and Mako Medical Laboratories LLC, ("MAKO) reference COVID-19 testing. The motion passed by unanimous vote.

Public input on items other than those listed on this agenda

1. Michael Smith – requested conflict resolution on Oneta Street
2. Bob Gadd – supported advanced EMT training for firefighters

FROM MAYOR GIRTZ:

1. Announced the following committee assignments.

GOVERNMENT OPERATIONS COMMITTEE

Mariah Parker, Chair  
Patrick Davenport  
Melissa Link  
Tim Denson  
Mike Hamby

LEGISLATIVE REVIEW COMMITTEE

Russell Edwards, Chair  
Allison Wright  
Jesse Houle  
Carol Myers  
Ovita Thornton

## AUDIT COMMITTEE

Patrick Davenport, Chair  
Melissa Link  
Allison Wright  
Russell Edwards  
Ovita Thornton

2. Stated he will review staff and capital needs regarding EMS.
3. Stated he is working on remediation litter program.
4. Thanked Commissioner Edwards for his two-year service as Mayor Pro tem.
5. Encouraged citizens to apply for positions on the Public Safety Civilian Oversight Board and the Human Relations Commission.

Mayor Girtz requested Commissioner Edwards preside over election of Mayor Pro tem for 2022.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to elect Commissioner Myers as Mayor Pro tem.

A substitute motion was made by Commissioner Wright, seconded by Commissioner Hamby, to elect Commissioner Thornton as Mayor Pro tem.

Commissioner Edwards ruled rather than voting on an original and substitute motion, the vote would be roll call for individuals.

There was a roll call vote with Commissioners Davenport, Wright, Thornton, and Hamby voting for Commissioner Thornton and Commissioners Parker, Link, Denson, Houle, Edwards, and Myers voting for Commissioner Myers.

With six votes Commissioner Myers was declared elected Mayor Pro tem.

Commissioners expressed appreciation to Commissioner Edwards for his service as Mayor Pro tem.

Commissioners Myers, Hamby, and Davenport expressed concern with private hauler Republic who is not providing required recycling service.

Commissioners supported COVID testing and encouraged businesses to assist.

## FROM COMMISSIONER EDWARDS:

1. Requested Riverbend Parkway bike lane be serviced for removal of leaves.
2. Expressed appreciation for the opportunity to serve as Mayor Pro tem.

## FROM COMMISSIONER MYERS:

1. Expressed appreciation to staff and attorney for clearing of vacant lot at Lexington/Barnett Shoals Roads.
2. Expressed appreciation for her election as Mayor Pro tem.

## FROM COMMISSIONER THORNTON:

1. Stated she is committed to keep up with and better serve the community.
2. Stated she strongly supports the police department.

FROM COMMISSIONER DAVENPORT:

1. Requested if meetings are remote, citizen input should follow same protocol.
2. Requested Jail Road be renamed in honor of former Sheriff Ira Edwards, Jr,
3. Requested the East Broad Street bridge be named in honor of Barnett family.

FROM COMMISSISONER PARKER:

1. Reminded all of the MLK Day of Service, Monday, January 17.

FROM COMMISSIONER DENSON:

1. Reminded everyone January 1 was Emancipation Day.
2. Announced District 5 town hall meeting will be January 25, 6:00 p.m.
3. Supported dawgs on January 10.

FROM COMMISSIONER HOULE:

1. Requested manager provide a status report on eviction program and homeless encampment.
2. Announced a town hall meeting regarding mall property will be held January 20, 6:00, p.m. at the mall.
3. Supported review of EMS.

The meeting adjourned at 9:45 p.m.

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Clerk of Commission